

AIR TRANSPORT SERVICES

*Agreement signed at Ankara February 12, 1946, with annex; exchange
of notes at Ankara May 25, 1946
Entered into force May 25, 1946*

61 Stat. 2285; Treaties and Other
International Acts Series 1538

AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND TURKEY

Having in mind the resolution signed under date of December 7, 1944, at the International Civil Aviation Conference in Chicago, Illinois, for the adoption of a standard form of agreement for provisional air routes and services, and the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States of America and Turkey, the two Governments parties to this arrangement agree that the establishment and development of air transport services between their respective territories shall be governed by the following provisions:

ARTICLE 1

Each contracting party grants to the other contracting party the rights as specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

ARTICLE 2

(a) Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under

the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

(b) It is understood that either contracting party granted commercial rights under this agreement should exercise them at the earliest practicable date except in the case of temporary inability to do so.

ARTICLE 3

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that:

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of such other contracting party shall, with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered, be accorded the same treatment as that applying to national airlines and to airlines of the most favored nation.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

ARTICLE 5

(a) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in interna-

tional air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of one contracting party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other contracting party upon entrance into or departure from, or while within the territory of the first party.

ARTICLE 6

Each contracting party reserves the right to withhold or revoke a certificate or permit to an airline of the other party in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of either party to this agreement, or in case of failure of an airline to comply with the laws of the State over which it operates as described in Article 5 hereof, or to perform its obligations under this agreement.

ARTICLE 7

This agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization.

ARTICLE 8

Either contracting party may terminate the rights for services granted by it under this agreement and its Annex by giving one year's notice to the other contracting party.

ARTICLE 9

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

ARTICLE 10

The effective date of this agreement shall be established through an exchange of notes, which shall take place at Ankara as soon as possible.¹

¹ For text of notes, see p. 1156.

In witness whereof the undersigned representatives, duly authorized by their respective Governments, have signed the present agreement and have affixed thereto their seals.

Done at Ankara in duplicate, in the English and Turkish languages, each of which shall be of equal authenticity, this 12th day of February, 1946.

For the Government of the United States of America:

EDWIN C. WILSON [SEAL]

For the Turkish Government:

FERIDUN CEMAL ERKIN [SEAL]

ANNEX TO THE
AIR TRANSPORT AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA AND TURKEY

A. Airlines of the United States of America authorized under the present agreement are accorded the rights of transit and non-traffic stop in Turkish territory, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Istanbul and Ankara on the route or routes indicated below:

“From the United States, via intermediate points to the continent of Europe and to Istanbul and Ankara, and thence to points beyond; in both directions”.

B. Airlines of Turkey authorized under the present agreement are accorded in the territory of the United States of America corresponding rights of transit and non-traffic stop as well as corresponding rights of international commercial traffic on a specific route or routes to be determined at a later date.

C. It is agreed that either contracting party, before placing an airline in operation, will notify to the other party the proposed directions of entry into and exit from its territory, whereupon the other party will indicate the points of entry and exit and the route to be followed within its territory.

EXCHANGE OF NOTES

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

45610-110

ANKARA, le 25 Mai 1946

Mr. Ambassador:

With reference to Article 10 of the Air Transport Agreement between the Government of the Turkish Republic and the Government of the United

States of America, signed at Ankara on February 12, 1946, I have the honor to propose to your Excellency on behalf of my Government that the date of entry into effect of the above mentioned agreement be May 25, 1946.

I request, Mr. Ambassador, that you be good enough to give me confirmation of the agreement of the Government of the United States of America with the foregoing.

Please accept, Mr. Ambassador, the assurances of my highest consideration.

HASAN SAKA

His Excellency

MR. EDWIN C. WILSON

Ambassador of the United States of America
Ankara

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, May 25, 1946

No. 757

EXCELLENCY:

I have the honor to acknowledge the receipt of your Excellency's note No. 45610-110 dated May 25, 1946 reading as follows:

[For text of Turkish note, see above.]

I take pleasure in informing your Excellency that my Government is in agreement with the foregoing.

Please accept, Excellency, the assurances of my highest consideration.

EDWIN C. WILSON

His Excellency

M. HASAN SAKA

Minister of Foreign Affairs
Ankara